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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 09/827,885 | 04/06/2001 | Michael Andrew Browne | J3534(C) | 5562 |
| 201 | 7590 | 05/18/2004 | EXAMINER | |
| UNILEVER PATENT DEPARTMENT 45 RIVER ROAD EDGEWATER, NJ 07020 | | | ORTIZ, ANGELA Y | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1732 | |

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/827,885 | BROWNE ET AL. |
| | Examiner | Art Unit |
| | Angela Ortiz | 1732 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 February 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4,5 and 7-11 is/are rejected.
 7) Claim(s) 3,6 and 12 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Election/Restrictions

This application contains claims 13-14 drawn to an invention nonelected with traverse in Paper No. 7. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

As the method has been elected, the words –and apparatus—should be deleted from the title.

Applicant has traversed this requirement; should no action be taken in the next communication with the Office regarding the election requirement, compliance with the title requirement is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 4, 5, 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer, USP 4,041,119 in view of Zyngier et al., USP 5,703,025 for the reasons cited in the previous office action.

The cited primary reference substantially teaches the basic claimed process of molding soap bars having a variegated appearance, including the instant claimed distinct zones. The detailed features include providing a striated column of soap mass having at least two distinct zones of different material within the column. The column is conventionally formed using a plodder having different nozzle systems connected to a nozzle plate with a plurality of openings, and flowing the linear columned material through the separate nozzle systems and through the nozzle plate openings to provide a striated soap mass. A twist roller assembly further twists the striated soap mass to give the striped mass a spiral appearance. The column is subdivided into blanks and pressed into final bar form in a conventional die. See col. 2, lines 1-30; col. 3, lines 8-45; col. 4, lines 5-15.

The cited primary reference does not set forth the feature of injecting into a mold via nozzle means.

The added secondary reference teaches as conventional the feature of molding cleansing bars, also soap bars, by preparing a soap mixture and transferring the mixture into molds to allow conditioning and solidification of the mixture and to form the soap into bars. See claim 1 and claim 7, col. 3, lines 5-45.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the extruded soap mass in soap molds as shown in the added reference, when performing the process set forth in the primary reference, as the use of mold forming allows conditioning and solidification of the mixture, while also giving a finished shape to the extruded mass into personal sized bars.

With respect to claims 4-5, see twister assembly 16 in USP 4,041,119 at col. 2, lines 20-45 and col. 3, lines 10-30.

With respect to claims 2, 7-9, see col.2, lines 5-10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further optimize the soap bar to include two different compositions for obtaining beneficial properties of both materials in one bar.

With respect to claims 10-11, see col. 2, lines 5-25 of USP 4,041,119.

Allowable Subject Matter

Claims 3, 6, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 09 February 2004 have been fully considered but they are not persuasive.

Applicant argues that one would not be motivated to combine the teachings of the prior art because both the product made and the method used is different. Namely, the combination of cast molding and extrusion with stamping is incompatible, and does not make obvious the alleged injection molding process of multi-zone bars.

Firstly, note that the instant claims are not limited to injection molding as argued. Injecting generally means To force or drive (a fluid) into something: *inject fuel into an engine cylinder; inject air into a liquid mixture*.¹. Note that while the instant claims do include the step of 'injecting', please note that the prior art also teaches a general step of injecting as well. The cited reference to Fisher teaches 'injecting' from nozzle means (12,14), which is forced or under pressure. The examiner is persuaded that the prior art step of injecting is functionally equivalent and meets the claimed limitation of 'injecting via nozzle means'.

¹The American Heritage® Dictionary of the English Language, Third Edition copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from IINSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., injection molding) are not recited in the rejected claim(s). The claims have been given their broadest reasonable interpretation, which is broader than 'injection molding' as argued. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the combination of references is incompatible, note that it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both references are in the field of endeavor, particularly molding variegated detergent bars. Further, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to form the extruded soap mass in soap molds as shown in the added reference, when performing the process set forth in the primary reference, as the use of mold forming allows

conditioning and solidification of the mixture, while also giving a finished shape to the extruded mass into personal sized bars.

Conclusion

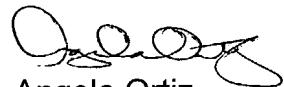
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Ortiz whose telephone number is 571-272-1206. The examiner can normally be reached on Monday-Thursday 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Angela Ortiz
Primary Examiner
Art Unit 1732

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